

REMARKS/ARGUMENTS

This is in response to a communication received from the Examiner in charge of the subject application, which communication was mailed on December 10, 2004.

In the December 10th communication, the Examiner has rejected Claims 1 through 3 under 35 U.S.C. §103 as unpatentable over DeGasparo et al. and Huel et al., either taken alone or in combination. Reconsideration of such rejection is respectfully requested.

At columns 51 and 56, DeGasparo et al. assume that a number of the disclosed compounds will be able to form acid addition salts. However, DeGasparo et al. do not teach which of the compounds so described actually form acid addition salts. In DeGasparo et al., column 52 and column 60, example 9 is the compound telmisartan (compound D). However, no acid addition salt is disclosed or taught for telmisartan by DeGasparo et al.

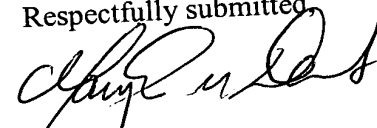
Huel et al. simply assumes that for each of the AT₁ receptor antagonists disclosed, there exists a pharmaceutically utilizable salt.

DeGasparo et al. teach that a number of the disclosed AT₁ receptor antagonists which possess a basic center form acid addition salts. However, DeGasparo et al. do not specifically indicate or instruct which of the disclosed AT₁ receptor antagonists actually fulfill these criteria. Telmisartan is an AT₁ receptor antagonist which carries an acidic carboxy group. Neither from the teaching of Huel et al. nor from the teaching of Huel et al. in combination with DeGasparo et al. is it possible for a person skilled in the art to determine whether telmisartan is able to form acid addition salts as disclosed and taught in the subject application.

Application No. 10/777,304
Amdt dated June 10, 2005
Reply to Office action of December 10, 2004

Accordingly, in view of the foregoing, it is respectfully submitted that the subject application is in condition for allowance and such favorable action at an early date is earnestly solicited.

Respectfully submitted,




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June 10, 2005

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on June 10, 2005



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